

# Notice of Allowability

Application No.

09/703,612

Examiner

Michael S. A. Delgado

Applicant(s)

MASCIANTONIO ET AL.

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/26/2005.
2. ☒ The allowed claim(s) is/are 14, 16-28 and 31 hereafter referred to as 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

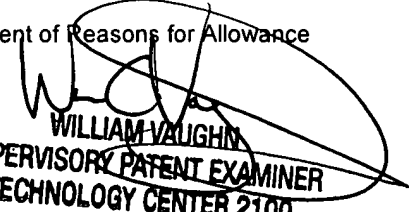
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9/11/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sumiyo Onda on 9/11/2006.

The application has been amended as follows:

Claims 1-13 are cancelled

Claim 14 (Currently Amended): A method for enabling a user to simultaneously contact a multitude of providers to secure an appointment on short notice, the method comprising the steps of:

- entering, by the user, at least one user defined criterion on a system web site;
- determining, by the system, a first plurality of providers within a specified area using the at least one criterion, the at least one criterion being common to the first plurality of providers;
- providing, by the system, a list of the first plurality of providers to the user;
- selecting, by the user, a second plurality, of providers from the list of the first plurality of providers and submitting a list of the second plurality of providers to the system;
- generating a notification, by the system, to the second plurality of providers;
- monitoring a response, by a monitoring group, to the notification by each of the second plurality of providers to form a plurality of responses, including monitoring that the response is

Art Unit: 2144

generated within a predefined time period and directly intervening if the response is not generated within the predefined time period;

generating the response by each of the second plurality of providers so as to form the plurality of responses;

displaying to the user, by the system, the plurality of responses from each of the second plurality of providers;

generating a confirmation to one of the plurality of responses to secure the appointment, by the user, and sending the confirmation to the provider associated with the one of the plurality of responses;

notifying, by the system, to a third plurality of providers for excluding the third plurality of providers from the appointment, the third plurality of providers being providers that did not receive the confirmation by the user,

the method further comprising the steps of:

entering, by the user, at least one user selected time criterion;

allowing a provider having at least one available appointment time to specify the at least one available appointment time in the system; and

displaying the at least one available appointment time to the user that meets the at least one user selected time criterion when the user visits the web site.

15. (Cancelled)

16. (Previously Presented) The method of claim 14, wherein the user has a location and the method further comprises determining for each of the first plurality of providers a proximity relative to the location of the user, wherein determining a proximity includes the step of using a geo-locator tool to determine a longitude and latitude of each of the first plurality of providers.

17. (Previously Presented) The method of claim 14, wherein the step of providing a list of the first plurality of providers comprises the step of providing biographical information for each-of the first plurality of providers.

18. (Previously Presented) The method of claim 14, wherein the step of generating a notification comprises the step of using unique identifiers assigned to each of the second plurality of providers to generate the notification for each of the second plurality of providers.

19. (Previously Presented) The method of claim 14, wherein the step of generating a notification comprises the step of sending an e-mail message to each. of the second plurality of providers.

20. (Previously Presented) The method of claim 14, wherein the step of generating a notification comprises the step of sending a fax message to each of the second plurality of providers.

21. (Previously Presented) The method of claim 14, wherein the step of generating a response comprises the step of visiting the web site, entering an authentication code and responding to an appointment request by the user.

22. (Previously Presented) The method of claim 14, wherein the step of displaying to the user comprises the steps of collating the plurality of responses by the system and forwarding the collated plurality of responses to the user.

23. (Previously Presented) The method of claim 14, wherein the step of displaying to the user comprises the steps of collating the plurality of responses by the system and showing the collated plurality of responses to the user when the user logs in to the web site at a later time.

24. (Previously Presented) The method of claim 14, wherein the step of displaying to the user comprises the step of forwarding e-mail messages with the plurality of responses to the user.

25. (Previously Presented) The method of claim 14, wherein the step of generating a confirmation comprises the step of confirming the one of the plurality of responses directly with the provider associated with the one of the plurality of responses.

26. (Previously Presented) The method of claim 14, wherein the step of generating a confirmation comprises the step of clicking on a button, on the web site, that is associated with the one response.

Claim 27 (Currently Amended): A method for enabling a facilitator to mediate communication exchanges between a user and a plurality of providers in a system that allows the user to simultaneously contact the plurality of providers to request an appointment on short notice, the method comprising the steps of:

allowing the facilitator to view exchanges and histories of exchanges between users and providers, including checking, by the system, that each request has been processed within a predefined period of time, issuing a request to a monitoring group if the request has not been processed within the predefined period of time and intervening to set up the appointment, by the monitoring group;

contacting the facilitator, by the user, to specify at least one criterion for selecting the plurality of providers;

determining, by the facilitator, each of the plurality of providers within a specified area that meets the at least one criterion, identifying each provider's proximity to the user's location and providing a list of the plurality of providers to the user;

selecting, by the user, multiple providers from the list and submitting the selected multiple providers to the facilitator;

notifying, by the facilitator, the selected multiple providers;

responding, by the provider, to the notification;

communicating, by the facilitator, the responses to the user;

confirming, by the user, one response with one selected provider; and

Art Unit: 2144

notifying, by the facilitator, those providers whose responses were not accepted by the user;

the method further comprising the steps of:

entering, by the user, at least one user selected time criterion;

allowing a provider having at least one available appointment time to specify the at least one available appointment time in the system; and

communicating by the facilitator, the at least one available appointment time to the user that meets the at least one user selected time criterion.

28. (Original) The method of claim 27, wherein the step of responding comprises the step of faxing a response to a facilitator.

29. (Canceled)

30. (Canceled)

31. (Previously Amended) The ~~system~~ method of claim 27, wherein the determining, by the facilitator, each provider includes the criterion being user defined and common to each provider determined.

32. (Cancelled)

***Reason For Allowance***

1. Claims 14, 16-28 and 31 are allowed.
2. The following is an examiner's statement of reasons for allowance: The closest prior art of record (US Patent No. 6,145,001 by Cumming, Jr. et al) does not teach nor suggest in detail the interactive online appointment method in which a second user selected subset of providers from a first group of providers are contacted on behalf of a user followed by the process of monitoring the second group of providers for responses within a predefined time period. If the predefined time period expires the system intervenes thus insure that the responses are available which are presented to the user for further selection. The process ends with a notice of confirmation being sent to the selected provider while the other providers are notified of not being selected. These features in combination with all the elements of each independent claim as argued by the Applicant (See Page 19 of Applicant enabling specification, Page 12 line 1 –Page 13 line 4 of argument presented 12/20/2004). Cumming, Jr. does not teach the interactive steps of elimination and also lacks the step of intervening whenever the expected response is not received within the predefined period. So as indicated by the above statements, Applicant's arguments have been considered persuasive in light of the claim limitations as well as the enabling portions of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



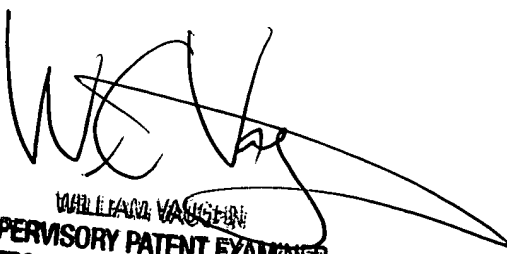
Art Unit: 2144

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn Jr. can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MD

  
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